

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

MICHAEL and CATHERINE BURKE,

Plaintiffs,

v.

KIAME MAHANIAH, in his official capacity  
as Secretary of the Massachusetts Executive  
Office of Health and Human Services, *et al.*

Defendants.

CIVIL ACTION

No. 3:23-cv-11798-MGM

**DEFENDANTS' MOTION FOR EXTENSION OF  
SUMMARY JUDGMENT BRIEFING SCHEDULE**

The Defendants, Kiame Mahaniah, Staverne Miller, Anna Moynahan, Theresa Harris, Dawn Sweetman, Tywana Jones, Caitlyn Levine, Stacy Clark, Euphemia Molina, Luz Estrada, and Angel Emerson, in their individual and official capacities, (collectively, “Defendants”), respectfully move for an **extension of the summary judgment briefing schedule by 90 days** to (1) allow time for the Court to consider the pending motion to dismiss all claims against the Defendants in their Official Capacities, which if granted would substantially narrow the issues to be resolved on summary judgment, and (2) accommodate the need for undersigned counsel for the Defendants to engage in anticipated preliminary injunction proceedings in a related case also pending before this Court, *Jones v. Mahaniah*, while also attending to a variety of other pressing litigation matters.

As grounds for their motion, the Defendants state as follows:

1. Under the current scheduling order in this matter (ECF No. 107), summary judgment briefs are due to be filed as follows:

- **Dispositive motions**, if any, shall be filed by November 1, 2025;

- **Oppositions** shall be filed by December 8, 2025;
- **Replies**, if any, shall be filed by December 22, 2025.

A hearing on any filed dispositive motions will be held on January 13, 2026, at 11:00 a.m.

2. The Official Capacity Defendants filed a motion to dismiss all claims for declaratory and injunctive relief as moot on August 29, 2025. ECF No. 110. If granted, that motion would dispose of all claims against the Official Capacity Defendants and all claims for declaratory and injunctive relief, leaving only the individual capacity claims for money damages, which Defendants maintain are barred by the doctrine of qualified immunity. ECF No. 111.

3. With Defendants' assent, the Plaintiffs moved to extend their time to file an opposition to that motion to dismiss until October 10, 2025, which the Court has granted. ECF Nos. 112-113.

4. Further, the undersigned counsel now also represent the official capacity Defendants in the matter of *Jones v. Mahaniah* (D. Mass. 4:25-cv-12449-MGM), that has been designated as "related" to this matter and is pending before this Court.

5. The *Jones* complaint was filed on September 3, 2025, and the Defendants were served on September 8, 2025. *See* 4:25-cv-12449-MGM, ECF Nos. 1 & 11. The *Jones* matter was designated as "related" to the present matter and assigned to this Court. *See* 4:25-cv-12449-MGM, ECF No. 4. The complaint seeks preliminary as well as permanent injunctive relief. *See* 4:25-cv-12449-MGM, ECF No. 1.

6. Counsel for the Plaintiffs in the *Jones* matter have indicated that they will be seeking preliminary injunctive relief, with briefing and hearing likely to take place through the months of October and November. In addition, undersigned counsel are currently preparing a responsive pleading to the 151-paragraph complaint in the *Jones* matter.

7. Additionally, undersigned counsel for the Defendants are attending to major briefing and argument deadlines in other litigation matters over the months of October, November, and December, and will be taking time off during the holidays.

8. Defendants respectfully submit that extending the summary judgment briefing deadlines in this matter by 90 days would serve the purposes of judicial economy by providing the Court time to consider and rule on the pending motion to dismiss, which Defendants expect to substantially narrow the issues for summary judgment. In addition, as stated in Defendants' motion to dismiss, the Plaintiffs in this matter, Mr. and Mrs. Burke, have moved to Florida and are no longer eligible to receive a foster family license from the Massachusetts Department of Children and Families. *See* ECF Nos. 110 & 111. As a result, Mr. and Mrs. Burke will suffer no prejudice from a modest extension of the deadlines for briefing on any claims that remain after resolution of the motion to dismiss. Additionally, the requested extension would avoid simultaneous briefing by undersigned counsel for the Defendants of summary judgment in the *Burke* matter and of an anticipated motion for a preliminary injunction in the *Jones* matter.

9. The Defendants respectfully request that the deadlines for summary judgment briefing in this matter be extended by **90 days** and set as follows:

- **Dispositive motions**, if any, shall be filed by Friday, January 30, 2026;
- **Oppositions** shall be filed by Monday, March 9, 2026;
- **Replies**, if any, shall be filed by Monday, March 23, 2026.

A hearing to be set on a date convenient to the Court after March 23, 2026.

10. The parties conferred by email on September 25, 2025 and Plaintiffs indicated that they intend to oppose this motion.

[SIGNATURE BLOCK ON FOLLOWING PAGE]

Respectfully Submitted,

KIAME MAHANIAH, STAVERNE MILLER,  
ANNA MOYNAHAN, THERESA HARRIS,  
DAWN SWEETMAN, TYWANNA JONES,  
CAITLYN LEVINE, STACY CLARK,  
EUPHEMIA MOLINA, LUZ ESTRADA, and  
ANGEL EMERSON, in their individual and official  
capacities,

By and through their Attorneys,

ANDREA JOY CAMPBELL  
ATTORNEY GENERAL

/s/ Grace Gohlke

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Dated: September 25, 2025

**CERTIFICATE PURSUANT TO LOCAL RULE 7.1(a)(2)**

I certify that, on September 25, 2025, I conferred with counsel for the plaintiffs by email, but was unable to reach agreement on this motion. Plaintiffs indicated that they intend to oppose this motion.

/s/ Grace Gohlke  
Assistant Attorney General

**CERTIFICATE OF SERVICE**

I certify that this document, filed through the Court's ECF system, will be sent electronically to all registered participants as identified on the Notice of Electronic Filing (NEF) and that paper copies will be sent to those indicated as non-registered participants by first-class mail on September 25, 2025.

/s/ Grace Gohlke  
Assistant Attorney General